EPA/OSHA FINDINGS ON PASSIVE SMOKING

Mr. FORD. Mr President, the Congressional Research Service [CRS] released a long awaited report today that calls into question the validity of claims that passive smoking presents a risk to nonsmokers. It also highlights questions on the validity of the science behind the Environmental Protection Agency's [EPA] and subsequently the Occupational Safety and Health Administration [OSHA] findings on the effects of secondhand smoke. In 1993, the EPA released a report classifying passive smoke a "class A carcinogen." This EPA report has been the basis for numerous actions taken to limit smoking in public places with the most dramatic example being the OSHA proposed smoking ban in all workplaces across the United States.

However, this CRS report, indicates well placed skepticism on the methods used by OSHA to justify the need for such draconian and invasive policies as the one espoused by this agency. CRS also questions the very harm of second hand smoke. It found fault with the EPA's premise that there is no safe level of exposure to passive smoke, and the conclusions that OSHA drew from a limited number of studies, a practice which clearly undercuts the validity of the OSHA findings.

The report released today is but the latest in a series by different high level specialists at CRS. Every report has led to the same conclusion: There is no scientific justification for smoking bans or de facto bans like the one issued by OSHA some months ago. In previous reports CRS stated unequivocally that, "the epidemiological evidence for passive-smoking-related disease is weak." It has followed this statement up with today's report which represents a comprehensive look at this subject as well as an examination of purported risks for heart disease.

While many agenda driven researchers have picked and chosen from only the studies that support their views, CRS, an agency which is unquestioned in its objectivity, has, during a lengthy 20 month review, rigorously examined all of the data on this controversial topic. Its conclusion is that the OSHA risk assessment as stated in its proposed rule is incorrect. While CRS is prohibited under its rules from issuing specific policy recommendations, the evidence of the study is clear and bears repeating: There is no scientific justification for the current regulatory action being sought by OSHA.

The CRS study calls into question the very underpinnings that form the basis of Environmental Protection Agency [EPA] and OSHA claims regarding the dangers of second hand smoke. EPA has claimed since the release of its much criticized report back in January 1993, that there is no safe level of exposure to ETS. However, CRS directly refutes this assertion. Furthermore, it finds that the only reasonable chance of risk comes in extreme situations and even in those cases the findings are uncertain and in need of further research. This, in my view, is the scientific equivalent of the townspeople screaming out "The emperor has no clothes."

In light of the seriousness of the findings of this study and the reputation of the organization that is so questioning OSHA actions, I am calling on OSHA to reopen its hearings on the proposed rule and to re-evaluate the justification for the rule in the first place. I respectfully suggest to my colleagues that this historic study undermines the premise for all government coerced smoking bans.

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